

Message Text

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SUBJECT: PROPOSED U.S. EXPORT CONTROL LEGISLATION

1. ON APRIL 15, SENATORS GLENN (OHIO), PERCY (ILLINOIS),
AND RIBICOFF (CONNECTICUT) INTRODUCED IN U.S. SENATE

S.1439, A BILL FOR "THE CENTRALIZATION AND REORGANIZATION OF THE LICENSING OF EXPORT OF PRODUCTS AND MATERIALS OF A STRATEGICALLY SIGNIFICANT NATURE." (SHORT TITLE: "EXPORT REORGANIZATION ACT OF 1975.") IT WAS REFERRED TO COMMITTEE ON GOVERNMENT OPERATIONS, OF WHICH THREE SENATORS ARE MEMBERS. IN FLOOR STATEMENT, RIBICOFF INDICATED HE HAD ASKED GLENN TO BE AD HOC CHAIRMAN OF APRIL 24 HEARINGS ON NUCLEAR PORTION OF PROPOSED ACT, WHICH WOULD EXPLORE RELATIONSHIP BETWEEN NUCLEAR EXPORTS AND WEAPONS PROLIFERATION AND ESTABLISH PUBLIC RECORD USEFUL TO NPT REVIEW CONFERENCE. THIS INFORMATION IS BEING PROVIDED TO POSTS SO THAT THEY WILL HAVE BACKGROUND IN EVENT QUESTIONS ARE RAISED THROUGH HOST GOVERNMENT'S KNOWLEDGE OF PROPOSED LEGISLATION. IF SUCH QUESTIONS ARE RAISED, IT SHOULD BE STRESSED THAT ULTIMATE FATE OF SUCH LEGISLATION IS UNCLEAR AND THAT THERE IS STRONG CONCERN WITHIN THE ADMINISTRATION THAT IT MAY BE FLAWED ON CONSTITUTIONAL GROUNDS, IN WHICH CASE THE ADMIN. OBVIOUSLY WOULD OPPOSE.

2. PROPOSED BILL PROVIDES GENERALLY FOR CENTRALIZATION OF ALL U.S. EXPORT LICENSING OF STRATEGIC MATERIALS IN DEPT. OF COMMERCE, INCLUDING "NUCLEAR MATERIALS, FACILITIES AND TECHNOLOGY." OF PARTICULAR INTEREST FROM THE NUCLEAR STANDPOINT ARE FOLLOWING:

A. RESPONSIBILITY FOR AGREEMENTS FOR COOPERATION IS TRANSFERRED FROM ERDA TO STATE, SUBJECT TO SAFEGUARDS CRITERIA TO BE ESTABLISHED BY THE NUCLEAR REGULATORY COMMISSION (NRC).

B. LICENSING FUNCTIONS OF NRC ARE TRANSFERRED TO COMMERCE, SUBJECT TO AN NRC FINDING THAT SAFEGUARDS AND PHYSICAL SECURITY MEASURES ARE COMPARABLE TO THOSE REQUIRED BY NRC IN THE UNITED STATES.

C. EACH STRATEGICALLY SIGNIFICANT NUCLEAR EXPORT
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APPLICATION WOULD REQUIRE FILING BY NRC WITH ACDA OF A "PROLIFERATION ASSESSMENT STATEMENT" WITH ACDA HAVING THE OPPORTUNITY TO COMMENT ON ADVISABILITY OF EXPORT.

2. BILL ALSO CONTAINS PROVISIONS FOR ESTABLISHMENT OF SPECIAL SAFEGUARDS TRAINING PROGRAM FOR THOSE BUYING U.S. COMMERCIAL EXPORTS AND WOULD REQUIRE A COMPARATIVE STUDY OF U.S. AND IAEA "PHYSICAL SECURITY AND MATERIALS ACCOUNTING SAFEGUARDS REGULATIONS AND GUIDELINES" WITH A REPORT AND RECOMMENDATIONS TO THE PRESIDENT FOR UPGRADING "THESE SAFEGUARDS." IT ALSO CALLS FOR A STUDY ON THE FEASIBILITY OF "INTERNATIONALIZING ALL STRATEGIC

ASPECTS OF THE COMMERCIAL NUCLEAR FUEL CYCLE IN ALL
PARTS OF THE WORLD."

3. BILL WAS ACCOMPANIED BY FLOOR STATEMENT BY SPONSORS
QUESTIONING ADEQUACY OF SAFEGUARDS. HEARINGS
SCHEDULED TO BEGIN APRIL 24. THIS MESSAGE PROVIDED
FOR POSTS BACKGROUND IN EVENT OF INQUIRIES. POSTS
WILL BE ADVISED OF EXECUTIVE BRANCH POSITION WHEN
ESTABLISHED. KISSINGER

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